the Hon. Minister for Finance refused to disclose information on the plea that it was of a confidential nature and that to disclose it would be against public interest. I then told the House that the refusal on the part of the Hon. Minister to answer questions involving information of a confidential nature, would not come under a privilege motion. In this connection, yesterday, I quoted the relevant passage from May's Parliamentary Practice.

"The hon. Member Sri Narayana Kurup assumes certain things which are not to be seen in the answers given by the Hon. Minister. He thinks that the Hon. Chief Minister revealed to the Secretary of the All India Congress Committee, what he revealed to the Prime Minister. But it does not seem to be a fact. Let us assume however that he has revealed it. Even then, the proper method of dealing with the Hon. the Chief Minister is to bring a no-confidence motion against him. This question of refusing to answer questions will not come under a privilege motion. I do not admit that this comes under a privilege motion, and, therefore, I rule this motion out of order."

(2) INTERCEPTION OF LETTERS BY SPECIAL BRANCH POLICE.

MR. SPEAKER :—"The hon. Member, Sri Kalyanasundram, has given notice of a motion to be referred to the Committee of Privileges. It reads as follows :—

'The letters which I address to some of the people in my constituency and also the letters which I receive from the people in my constituency are being intercepted by the Special Branch Police. To quote an instance, I wrote a letter to one of the residents in Golden Rock regarding the action taken by me as an M.L.A. to represent the tense situation that has developed in Golden Rock due to an illegal burial of a dead body amidst residential quarters of Railway workers by a Railway officer. This letter was posted on 1st December 1954 in the Mount Road post office. But the letter was delivered in Golden Rock to the concerned person on 4th December 1954. I reliably understand that the Special Branch Head Constable took the envelope from the post office as soon as the bags were opened and the letter was with the Police for two days, i.e., on 2nd and 3rd. The envelope bears the postal seal, dated 4th December 1954, 9 a.m. It also bears the Mount Road postal seal dated 1st December 1954, which is also sought to be erased. I understand that this has been done by the Special Branch Police under instructions from the State Government.

'Such action by the executive is a serious breach of privilege of the Members of this House and is calculated to undermine the dignity of this House. I submit the matter may be referred to the Committee of Privileges for suitable action.'

These are the facts mentioned in this motion. The hon. Member Sri Kalyanasundram says that a letter posted by him was intercepted by the Special Branch Police. He considers this action of the Police is a matter affecting the privilege of a Member. First of all we must know the definition of the word 'privilege'. The hon. Member confuses the term 'parliamentary privilege' with every

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kind of ' rights '. We have got certain rights which would not come under ' privilege '. ' Privileges ' are different from ' right '. Under the Indian Constitution, the Members of this House enjoy the privileges which are enjoyed by the Members of the House of Commons in England."

SRI S. RAMALINGAM :—" Why can't we enjoy more privileges? "

MR. SPEAKER :—" Yes, we can enjoy more privileges if we legislate to that effect. Hon. Members must know that even in England, the Members of the House of Commons cannot create new privileges. They are enjoying the same privileges which they have enjoyed from time immemorial. Perhaps the hon. Member has not gone through the Constitution. It is clearly stated in the Constitution that till we pass a Bill defining our privileges, we shall enjoy only such privileges which are enjoyed by the Members of the House of Commons. We have not so far brought any Bill nor for that matter has any Legislature in India done so. So, we have to follow the privileges which are enjoyed by the Members of the House of Commons. First of all. we must know what privileges we enjoy. Unless we have a clear idea about it, we may not know what is a ' privilege ' and what is a ' right ', and whether a right we enjoy is a parliamentary privilege. Now I will read to you the relevant passage in May's Parliamentary Practice. It reads as follows :—

' Parliamentary privilege is the sum of the peculiar rights (not ordinary rights) enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

' The privileges of individual members of the House of Lords may be distinguished from the privileges of individual members of the House of Commons (we enjoy only the privileges of Members of the House of Commons) ; both again have common privileges as members of the Parliament ; and the Lords have special privileges as peers, distinct from those which they have as members of a House co-ordinate with the House of Commons. '

The particular privileges of the Commons have been defined as—

' The sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords. '

Now, a distinction has been made between ' function ' and ' privilege '. We have got certain functions. We have got certain rights, which are altogether different from peculiar rights. Hon. Members must make a distinction between a ' right ' and a ' peculiar right '. For instance, if an hon. Member is prevented from entering the House, then it is a breach of privilege. Now, let me read further from May's Parliamentary Practice. It is stated—

' The distinction between privilege and function is not always apparent.' "

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* SRI S. DEIVASIGAMANY :—" Most of the lawyer-Members can follow it but many of the other hon. Members do not know what is contained in it unless it is explained in Tamil."

MR. SPEAKER :—" I agree with the hon. Member that it may be translated into Tamil and circulated."

* SRI T. C. NARAYANAN NAMBIAR :—" The Chair has kindly agreed to the translation of the proceedings which are taking place now into Tamil. I request that he may agree to translate it into Malayalam also."

MR. SPEAKER :—" It is also stated in May :

> Thus the financial powers of the House of Commons, including rights both against the Crown and against the Lords are sometimes referred to as financial privileges ; '

We have got certain financial rights here. For instance, Money Bills should be introduced only in this House and not in the other House. Does this constitute ' function ' or ' privilege ' ? It has not been defined so far and no one has given an opinion on this particular matter. Now let me read further from it. It is stated—

> ' and it is often a matter of individual choice whether a particular financial right is called a privilege or a constitutional power. Financial privilege is more conveniently treated as a special power of the House of Commons, and dealt with in Chapter XXVIII. It is more convenient to reserve the term ' privilege ' to certain fundamental rights of each house which are generally accepted as necessary for the exercise of its constitutional functions.'

12-50 p.m The last sentence is a very important sentence. The only question now is, whether the right claimed by the hon. Member is a privilege or a right and if it is a privilege what is the exact scope of the privilege involved. The hon. Member says that certain letters sent to him by some persons had been intercepted in the middle and opened by censors and that these letters did not come to him in time. I have got a doubt. I myself sent certain letters through the Secretary and it has not been mentioned clearly whether such letters also have been tampered with. I must also consider whether the interception of letters sent by me through my office comes under ' a breach of privilege '. I do not think it is necessary for us to rush through this matter. I will give time to hon. Members. We can even consider the matter on Monday or Tuesday. I will order circulation to hon. Members of what I have said now. Let them go through it. I am not going to take up the matter to-morrow. The hon. Member has not mentioned whether private letters alone have been intercepted. He has not made clear whether letters sent by me through my office are also intercepted. I will take up the case on Monday or Tuesday. Meanwhile I shall circulate to hon. Members what I have said just now."

SRI S. VADIVELU :—" சபையிலே நடந்துகொண்டிருக்கும் காரசாரமான விவாதத்தைப்பார்த்தால் மிக முக்கியமான விஷயத்தைப்பற்றியே